AO 455(Rev. 5/85) Waiver of Indictment

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

MARIO PENA-MARQUEZ

WAIVER OF INDICTMENT

CASE NUMBER: 08CR271-BTM

I, MARIO PENA-MARQUEZ, the above named defendant, who is accused of committing the following offense:

Title 8, U.S.C., Sec. 1325 - Illegal Entry (Felony); Title 8, U.S.C., Sec. 1325 - Illegal Entry (Felony),

being advised of the nature of the charge(s), the proposed information, and of my rights, hereby waive in open court on 1/31/08 prosecution by indictment and consent that the proceeding may be by information rather than by indictment.

[signature]
Defendant

[signature]
Counsel for Defendant

Before [signature]
JUDICIAL OFFICER

FILED
JAN 31 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [initials] DEPUTY